

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CATHERINE CONNOLLY,

Plaintiff,

v.

Case No: 8:14-cv-515-T-24TGW

DEPUY ORTHOPAEDICS, INC., DEPUY,
INC., DEPUY INTERNATIONAL, LTD,
JOHNSON & JOHNSON MEDICAL,
LTD., JOHNSON & JOHNSON
INTERNATIONAL and JOHNSON &
JOHNSON,

Defendants.

ORDER

This cause comes before the Court for Defendants' Motion to Stay Proceedings and for Extension of Time to Respond to the Complaint Pending Transfer and Docketing of this Case to MDL No. 2197—*In Re: Depuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*. (Dkt. 5.) Plaintiff does not oppose Defendants' motion.

In August 2010, Defendants initiated a voluntary recall of the ASR™ Hip Systems. In December 2010, the Judicial Panel on Multidistrict Litigation ("JPML") decided that cases involving the ASR™ devices should be centralized into an MDL court to eliminate duplicative discovery and avoid inconsistent pretrial rulings. *In Re: DePuy Orthopaedics, Inc.*, MDL No. 2197, 2010 WL 4940348, at *1 (J.P.M.L. Dec. 3, 2010).

In December 2013, Plaintiff commenced this action against Defendants in the Circuit Court of the Twelfth Judicial District in and for Sarasota County, Florida, after which Defendants removed the action to this Court based on diversity of citizenship. The case was conditionally transferred to the MDL.

Defendants move, and Plaintiff consents, to stay all proceedings and vacate all deadlines in this action pending its transfer to MDL-2197. Upon consideration, the Court finds that a stay will serve the interests of judicial economy and fairness to the parties. Defendants' motion is granted to the extent that this action is stayed pending transfer to MDL-2197.

Defendants also move to extend the deadline to respond to Plaintiff's complaint until 21 days after this case is docketed in MDL-2197. However, given that the Court will stay this case, Defendants' motion for extension of time will be denied as moot. Defendants may file a motion for an extension of time with the MDL court following this case's transfer to and docketing in MDL-2197.

Accordingly, it is **ORDERED AND ADJUDGED** that:

- I. Defendants' Unopposed Motion to Stay Proceedings and for Extension of Time to Respond to the Complaint Pending Transfer and Docketing of this Case to MDL No. 2197 (Dkt. 5) is **GRANTED IN PART AND DENIED IN PART**. The motion is GRANTED to the extent that this action is STAYED pending the JPML's decision regarding transfer of this case. Otherwise, it is DENIED as moot.
- II. The Clerk is instructed to **ADMINISTRATIVELY CLOSE** this case.
- III. Defendants shall notify the Court within 7 days of any decision by the JPML.
- IV. At any time prior to the expiration of the aforementioned stay, any party may move to return this case to active status.

DONE AND ORDERED at Tampa, Florida, this 12th day of March, 2014.


SUSAN C. BUCKLEW
United States District Judge

Copies To: Counsel of Record